

#14 2AE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
73600.P029

First named inventor: Masaki Ueno

Application No.: 09/816,601

Art Unit: 1773

Filed: March 23, 2001

Examiner: Falasco, Louis V.

Title: Spin-Valve Type Magnetoresistance Sensor and Thin-Film Magnetic Head

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (703) 872-9306

RECEIVED

DEC 30 2004

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,370.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Amendment and Response (37 C.F.R. 1.121) _____ (identify type of reply):

- ☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

12/29/2004 AWONDAF1 00000019 09816601

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1370.00 OP

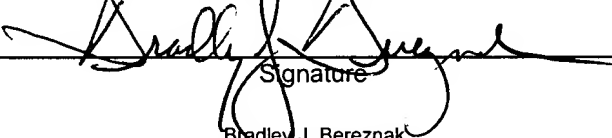
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

 _____ Signature	December 23 2004 _____ Date
Bradley J. Berezna _____ Typed or printed name	33,474 _____ Registration Number, if applicable
800 W. El Camino Real, Suite 180 _____ Address	650-903-2264 _____ Telephone Number
Mountain View, California 94040 _____ Address	

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: Fax Cover Sheet from USPTO 11/12/04; Fax Transmittal to USPTO 9/29/04.

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

December 23 2004

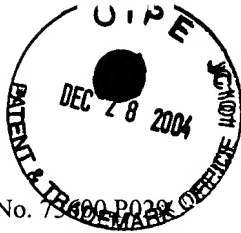
Date



Signature

John A. Berezna

Typed or printed name of person signing certificate



Attorney Docket No. 75600 P028

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

UENO, et al.

Serial No.: 09/816,601

Filing Date: March 23, 2001

For: SPIN-VALVE TYPE
MAGNETORESISTANCE SENSOR AND
THIN-FILM MAGNETIC HEAD

Examiner: Falasco, Louis V.

Art Unit: 1773

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OFFICE OF PETITIONS

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Statement Regarding Unintentional Delay

Sir:

The undersigned hereby states that the entire delay regarding payment of the issue fee in the above referenced case until the filing of a grantable petition pursuant to 37 CFR 1.137(b), herewith, was unintentional. The reason for the delay is as follows.


On October 10, 2003, Applicant's filed an Amendment and Response to the Office Action mailed December 26, 2002 together with a Petition to Revive Due To Unintentional Delay. That petition was granted in a decision mailed October 22, 2003.

In September 2004 the undersigned attorney of record received a telephone message from Examiner Louis Falasco in which he indicated that no response had been received by the Patent Office to the outstanding Office Action (no mailing date

Please charge any shortages of fees or credit any overcharges of fees to our
Deposit Account No. 50-2060.

Respectfully submitted,
BURGESS & BEREZNAK, LLP

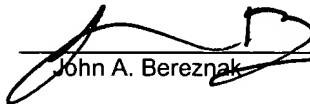
Dated: 12/23, 2004


Bradley J. Berezna
Attorney for Applicant
Registration No. 33,474

800 West El Camino Real
Suite 180
Mountain View, CA 94040
(650) 903-2264

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail with sufficient postage
in an envelope addressed to Mail Stop Petitions, Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

12/23/04


John A. Berezna

12/23/04
Date

was indicated). After receiving this message, the undersigned left a telephone message with Mr. Falasco indicating that a response had been filed nearly one year ago along with a Petition to Revival. Copies of the Petition papers filed on October 6, 2003 were later sent to Mr. Falasco via facsimile transmission on September 29, 2004. No response was received from Mr. Falasco or the Patent Office until Applicant's received a Notice of Abandonment mailed November 11, 2004 for failure to timely file a reply to an Office Action mailed January 4, 2004. The January 4, 2004 Office Action, however, was never received at the law offices of Burgess & Berezna, LLP.

Within a day or so of receiving the Notice of Abandonment, the undersigned spoke with Mr. Falasco and told him that the January 4, 2004 Office Action had not been received by Applicant. Mr. Falasco apologized and said that he would discuss the matter with his supervisor. A copy of the January 4, 2004 Office Action was later faxed by the examiner to the undersigned on November 12, 2004. In a subsequent telephone conference with Primary Examiner Steven Resan, Mr. Resan indicated that because the mailing address on the Office Action was correct, he could do nothing, and the only recourse for Applicants would be to seek revival via petition.

I believe that the reason why our law offices did not receive the January 4, 2004 Office Action is because it was incorrectly mailed to a different address. We have experienced this problem before. For example, earlier today we received a copy of a Patent Office correspondence that was forwarded to us by messrs. Ratner Prestia of Valley Forge, Pennsylvania, who received correspondence with our firm's mailing address at their Pennsylvania offices in error.



**BURGESS &
BEREZNAK**

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800 West El Camino Real, Suite 180
MOUNTAIN VIEW, CALIFORNIA 94040
(650) 903-2264 (Telephone)
(650) 903-2280 (Facsimile)

FACSIMILE TRANSMITTAL SHEET (TRANSMITTAL TO USPTO)

Deliver to: Examiner Louis V. Falasco - TC1773

Firm Name: U.S. PATENT AND TRADEMARK OFFICE

Fax Number: (571) 273-1507 Telephone No.: (571) 272-1507

From: Bradley J. Berezna (Reg. No. 33,474)

Date: Sept. 29, 2004 Time: 8:56 a.m. PDT

Operator: crb Matter: 073600.P029

Number of pages including cover sheet: 22

In Re Patent Application of: Ueno, M.

Application No.: 09/816,601 Filed: March 23, 2001

For: Spin-Valve Type Magnetoresistance Sensor And Thin-Film Magnetic Head

Enclosed are the following documents: In accordance with my phone message earlier today, attached is a copy of the Petition for Revival papers that were filed on October 06, 2003 for the above case.

Also included is a copy of the USPTO Decision On Petition (granted) mailed 10/22/03.

Please call me, if you have any questions or should require anything further. Thank you for your attention to this application.

Sincerely,

Bradley J. Berezna

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office

on: Sept. 29, 2004

Date of Transmission Bradley Berezna

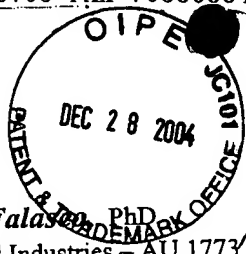
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IF YOU EXPERIENCE ANY DIFFICULTY IN RECEIVING THE ABOVE PAGES, PLEASE CALL (650) 903-2264 AND ASK FOR THE OPERATOR NAMED ABOVE.


Louis Falasco, PhD
Chemical Industries - AU 1773
Patent and Trademark Office
Washington, D.C. 20231

Fax Cover Sheet

DATE: November 12, 2004 TIME: 3:16 PM FAX: (571) 273 - 1507
TO: BURGESS & BEREZNAK ATT: BRADLEY J. BEREZNAK ESQ
FROM: Lou Falasco PHONE: (571) 272 - 1507
RE: SN 09/816601

Most recent Office Action

Number of pages including cover sheet: 8

Message

Thank you for your call and speaking with Mr. *D.S. Nakarani* - acting SPE Art Unit 1773
Phone: (571) 272-1512

Attached is the Office Action of 01/15/04